SBCivil Writ Petition No.3456/2006

Khalil Ashraf
v.
State of Rajasthan & Ors.

Date of Order :: 14th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr.G.R.Punia, for the petitioner.

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By a notification dated 28.7.2003 the Director, Secondary Education, Government of Rajasthan, Bikaner invited applications from eligible candidates for the purpose of appointment to the post of Physical Teacher Gr.III. The petitioner considering himself eligible to be appointed submitted an application in pursuant to the notification referred above and also claimed certain bonus marks being a participant in inter-university Kho-Kho Tournaments held at Gulburga University (Karnataka) in the year 2002. The bonus marks as claimed by the petitioner were not given to him by the respondents by not treating his participation in the tournament as a national level sports activity and appointment was not accorded to him.

By this petition for writ the petitioner has claimed for appointment as Physical Teacher Gr.III by

alleging that bonus marks were erroneously not given to him by the respondents.

Heard counsel for the petitioner.

It is the position admitted that selection proceedings initiated under the notification dated 28.7.2003 came to an end in the year 2004 itself. A select list was also declared even according to counsel for the petitioner in the year 2004 itself. The petitioner preferred this writ petition on 3.7.2006 i.e. after an inordinate delay from the date of completion of selection proceedings. It is urged by counsel for the petitioner that before approaching this Court a notice for demand of justice was given to the respondents but no response to it was given, therefore, there is no delay on part of the petitioner in approaching this Court. A copy of the notice for demand of justice is placed on record from perusal of that it is apparent that this notice too was given by the petitioner in the month of March, 2006. An issue with regard to selection proceedings cannot be kept open for indefinite period. A person having grievance with selection procedure or the selections made for appointment as a consequence of erroneous selection procedure should approach the competent authorities or the judicial forum for redressal of his grievance at earliest. In the instant matter the delay on part of the petitioner in agitating his cause disentitles him

from getting any relief under Article 226 of the Constitution of India.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.